

Memorandum

To: Local Bar

From: Judge Jaroslovsky

re: Service Primer and Update

As you all know, this district has a local rule, adopted pursuant to FRCP 5(b)(2)(D), providing that the Notice of Electronic Filing sent by the court is good service on Registered Participants of all matters governed by Rule 5. Before December 1 of this year, this rule did not impact service of a summons and complaint or service of contested matters, since service of those matters is governed by Rule 4, not Rule 5.

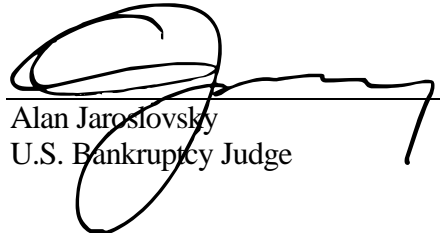
Effective December 1, FRBP 7004 was amended. There is no longer a requirement that both the debtor and debtor's counsel be served in paper by mail. Instead, service by mail on the debtor only is sufficient. However, Rule 7004(g) was added to provide that when service is effected on a debtor who has an attorney the attorney must be served *by any means authorized under Rule 5(b)*.

What this means is that when a complaint or contested matter (e.g. a stay relief motion) is commenced against the debtor you only have to serve the debtor by paper. The attorney is served electronically by the Notice of Electronic Filing. Paper service on the attorney is not necessary unless the attorney is not a Registered Participant in ECF.

We are adjusting our chambers procedures to reflect the new rule. When the debtor's attorney is a Registered Participant, we will only check to make sure that the debtor was served with a paper copy by mail.

Please note that the new rule changes service on debtors only. Trustees, creditors and other parties must still be served with Rule 4 matters by paper even if represented by a Registered Participant.

Dated: December 13, 2006



Alan Jaroslovsky
U.S. Bankruptcy Judge